



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF:

C-14J

March 28, 2003

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clyde Robinson, Esq.
City Attorney
City of Battle Creek
10 North Division Street, Suite 215
Battle Creek, MI 49014

Re: Request for Information Pursuant to Section 104(e) of CERCLA for Allied Paper/Portage Creek/Kalamazoo River Superfund Site in Kalamazoo and Allegan Counties, Michigan

Dear Mr. Robinson:

The United States Environmental Protection Agency ("U.S. EPA" or the "Agency") is in the process of supplementing the investigation conducted by the Michigan Department of Environmental Quality at the Allied Paper/Portage Creek/Kalamazoo River Superfund Site (the "Site"), which is located in Kalamazoo and Allegan Counties, Michigan. U.S. EPA believes that the City of Battle Creek may have information relevant to this investigation, and that you represent the City in this matter.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA") gives U.S. EPA the authority to: (1) assess contaminated sites; (2) determine the threats to human health and the environment; and (3) clean up contaminated sites. Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), U.S. EPA has the authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or a threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and
- C. The ability of responsible parties to pay the costs of the clean up.

U.S. EPA requests that you provide information and documents relating to the release of

polychlorinated biphenyls ("PCBs") at and from any wastewater treatment plant (or similar facility) owned or operated by the City of Battle Creek, Michigan.

The Agency issues this Information Request under authority of Section 104(e) of CERCLA. You should respond completely and truthfully to this Information Request as soon as possible, but not later than sixty (60) days from the date of receipt of this request. Instructions for completion of the response are in Attachment 2; definitions of terms used in this Information Request are in Attachment 3. Unless otherwise defined, all terms used in the Information Request have the same meaning ascribed to them in CERCLA or the National Oil and Hazardous Substances Pollution Contingency Plan.

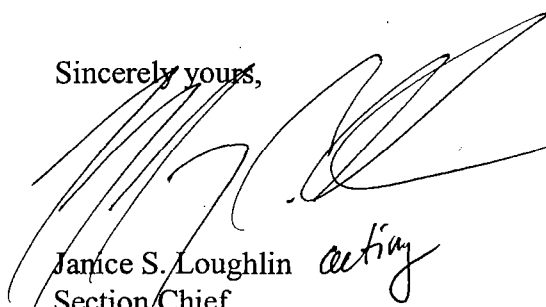
This Information Request is directed to the City of Battle Creek, Michigan, its officers, directors and employees. The relevant time period is defined in Attachment 3, and includes the period of time between January 1, 1954 and the present. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*

Please mail your response within sixty (60) days after your receipt of this Information Request to:

Ms. Eileen L. Furey
Associate Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

We appreciate your effort to respond fully and promptly to this Information Request. Please direct any legal or other questions you may have regarding this Information Request to Ms. Furey at (312) 886-7950, or Ms. Renita Ford, U.S. Department of Justice at (202) 305-0232.

Sincerely yours,



Janice S. Loughlin *acting*
Section Chief
Office of Regional Counsel
Multi-Media Branch II
U.S. EPA, Region 5

Attachments:

1. Requests for Information
2. Instructions
3. Definitions
4. Persons Engaged in the Production of Paper Products during the Relevant Period

cc: E. Furey (EPA)

✓ M. Adams (EPA)

S. Kolak (EPA)

R. Ford (U.S. DOJ)

N. Gordon (MI Attorney General)

Mary-Lynn Taylor (DOI)

Attachment 1 - Requests for Information

1. Identify all persons consulted in the preparation of the responses to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the responses to these Information Requests and provide copies of all such documents.
3. If you have reason to believe that there may be a person(s) able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify any such person(s).

POTW or Other Treatment Facility Ownership

4. Identify each publicly-owned treatment works or similar treatment facility (hereinafter "POTW") owned or operated by the City of Battle Creek at any time during the relevant period that discharged wastewaters directly or indirectly to the Kalamazoo River or tributaries thereof. Identify each POTW by current name and address, if available.
5. For each POTW identified in response to Request #4, provide a detailed history of the ownership and operation of the facility during the relevant period. The detailed history should identify: (1) each owner and operator of the POTW during the relevant period; (2) for each owner or operator, the period of ownership or operation to the nearest month; (3) any parent corporation or other authority for any period when the facility was not publicly owned and operated; and (4) the current mailing address for each owner, operator, parent corporation or other authority.

Paper Company Wastewaters

6. During the relevant period, did any POTW under your ownership, operation or control ever accept for co-treatment with municipal wastewaters, or accept for separate treatment, process wastewaters or other material from any person engaged in the production of pulp, paper, or paperboard products ("paper products") from virgin fiber (wood pulp derived directly from trees) or from secondary fiber (reused cardboard, paper or paper products, including pre- and post-consumer recycled materials)? The term "process wastewaters" means wastewaters generated during the manufacture of pulp, paper or paperboard products, exclusive of sanitary wastewaters. (A list of persons who, U.S. EPA believes, engaged in the production of paper products at and near the Site during the relevant period is enclosed as Attachment 4, but there may be additional persons known to you that are not included on the list.)
7. If the answer to Request #6 is "yes," identify each person engaged in the production of paper products from whom you accepted process wastewaters or other material for treatment during the relevant period. Provide, if available, the current mailing address of each person so identified.

Other Industrial Wastewaters Containing PCBs

8. Other than the persons identified in response to Request #7, during the relevant period did any POTW under your ownership, operation or control ever accept process wastewaters or other materials containing PCBs or PCB compounds from any person, including industrial or commercial users of the sewerage system?
9. If your answer to Request #8 is "yes," identify each person from whom a POTW under your ownership, operation or control accepted process wastewaters or other material containing PCBs or PCB compounds for treatment during the relevant period. Provide, if available, the current mailing address of each person so identified.

Treatment Facilities

10. For each POTW owned or operated by you that accepted process wastewaters from any person identified in response to Request #7 or Request #9, provide the following information:
 - a. Identify the POTW, and its current address (if available).
 - b. Identify the year and month that POTW primary wastewater treatment facilities were placed in operation. Provide a simplified schematic diagram of the wastewater treatment facilities of the POTW as then configured, showing each major treatment unit of the POTW, including sludge handling facilities and dry weather and maximum hydraulic design wastewater flow rates.
 - c. Identify the year and month that POTW secondary (biological) wastewater treatment facilities were placed in operation. Provide a simplified schematic diagram of the wastewater treatment facilities as then configured, showing each major treatment unit of the POTW, including sludge handling facilities and dry weather and maximum hydraulic design wastewater flow rates.
 - d. Identify the year and month that POTW advanced (post-secondary) wastewater treatment facilities were placed in operation. Provide a simplified schematic diagram of the wastewater treatment facilities as then configured showing each major treatment unit, including sludge handling facilities dry weather and maximum hydraulic design wastewater flow rates.

Effluent Flow

11. For each POTW owned or operated by you that accepted process wastewaters from any person identified in response to Request #7 or Request #9, identify the monthly average POTW effluent flow in million gallons per day (mgd) for each month during the relevant time period.

Total Suspended Solids

12. For each POTW owned or operated by you that accepted process wastewaters from any person identified in response to Request #7 or Request #9, identify the monthly average POTW untreated wastewater, primary effluent, secondary effluent, as well as the final effluent total suspended solids (TSS) concentration (mg/l) and mass loading (lbs/day) for each month during the relevant period.

POTW and Sewer System Bypassing

13. For each POTW owned or operated by you that accepted process wastewaters from any person identified in response to Request #7 or Request #9, identify, on a monthly basis during the relevant time period, all available information and data regarding bypasses to the Kalamazoo River, or tributaries thereof: (1) of untreated sewage from the sewerage system tributary to the POTW; (2) of untreated sewage at the POTW headworks; and (3) of partially treated sewage from any point within the POTW (e.g., after primary treatment). Information may be in the form of monitored bypasses where flow records are available; actual or estimated time of bypass events; engineering estimates or studies that provide information on the occurrence of bypasses during specific rainfall events (e.g., amount of bypassing expected with a rainfall of one inch in 24 hours); engineering studies for upgrade of the sewerage systems to eliminate or minimize bypasses; and, any recollections of the frequency and extent of bypasses for discrete time periods based on dates upgrades to the sewerage system and/or POTW were made.

PCB Data

14. For each POTW owned or operated by you that accepted process wastewaters from any person identified in response to Request #7 or Request #9, identify all data (daily, monthly and annual during the relevant period) for PCBs and PCB compounds for sewerage system and POTW bypass flows; the POTW influent flow; primary effluent flow; secondary treatment effluent flow; final effluent flow if different than the secondary effluent flow; and primary, secondary and combined wastewater sludge. Results from any historical or archived samples must be included in the response to this request.

Sludge Data

15. Identify the monthly amount of wastewater sludge generated at the POTW (tons/month, dry weight basis) during the relevant period, and describe the disposal method and disposal location for the sludge.

Process Wastewaters

16. For each person identified in response to Request #7 or Request #9, provide the following information:
 - a. Identify the name of the person, including the names of any successor owners or operators, during the entire period of time when you accepted process wastewaters from this person for discharge to the POTW;
 - b. Identify, to the nearest month, the period during which each person identified in response to Request #7 or Request #9 discharged process wastewaters or other material to the POTW; the monthly average process wastewater flow from that person; the monthly average TSS concentration (mg/l) and TSS mass loading (lbs/day) discharged from that person to the POTW; and any all PCB data for the process wastewater or other material discharged from that person to the POTW. Results from any historical or archived samples must be included in the response to this request.
 - c. Identify and produce all correspondence, notes of meetings, or any other documentation regarding the presence of PCBs in the wastewaters discharged to the sewerage system and any of your POTWs by each person identified in response to Request #7 or Request #9.

PCB Discharge Limits

17. Identify all regulations, laws, ordinances or other regulatory controls that limited, directly or indirectly, the discharge of PCB-containing wastewaters to any of your POTWs during the relevant period.

POTW Permits

18. Identify all federal, state, municipal, or local permits ever issued to you during the relevant period that address the release of any pollutants or hazardous substances, in effluents or in any other manner, to surface waters or sediments. This request includes, but is not limited to, copies of all National Pollutant Discharge Eliminations System ("NPDES") or state permits or orders, issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*, or Michigan law; U.S. Army Corps of Engineers permits. For each such issued permit, provide a copy of both the permit and the permit application.

Industrial User Permits

19. For each person identified in response to Request #7 or Request #9, provide copies of all industrial user permits, respective baseline monitoring reports and sewer use agreements issued or prepared for the relevant period.

Document Retention

20. Provide a copy of each document retention policy that has been in existence at the wastewater treatment facility during the relevant period. If no written policy exists, describe in detail the guidelines and criteria followed by you during the relevant period to determine when documents are discarded, destroyed or retained.

Attachment 2

INSTRUCTIONS

1. Precede each answer with the number of the question to which it corresponds. For any document submitted in response to a question, indicate the number of the question to which it is responsive.
2. In answering each question, identify all persons and contributing sources of information.
3. Although U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
4. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
5. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
6. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepares the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

7. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

Attachment 3

DEFINITIONS

1. The term **“you”** refers to the City of Battle Creek, Michigan, which owns and operates certain wastewater treatment facilities, including those located at 2000 West River Road, Battle Creek, Michigan.
2. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
3. The term **person** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
4. The Site referenced in these documents shall mean the Allied Paper/Portage Creek/Kalamazoo River Superfund Site located in Kalamazoo and Allegan Counties, Michigan.
5. The term **hazardous substance** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
6. The term **pollutant or contaminant** shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
7. The term **release** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
8. The term **relevant period** shall mean the period of time between January 1, 1954 and the date of your receipt of this Information Request.
9. The term **identify** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
10. The term **identify** means, with respect to a corporation, partnership, governmental entity, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

11. The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance or the subject matter.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Part 260-280, in which case, the statutory or regulatory definitions shall apply.

**Attachment 4 - Persons Engaged in the Production of Paper Products During the
Relevant Period**

American Fibrit, Inc.
76 Armstrong Road
Battle Creek, MI 49015-1079

Michigan Paperboard Company
79 E. Fountain Street
Battle Creek, MI 49017-4198

St. Regis Paper Company
Recycled Fiber Division
Battle Creek Paperboard Mills
79 East Fountain Street
Battle Creek, MI 49017

Michigan Carton Company
Mill No. 1
79 East Fountain Street
Battle Creek, MI 49017

Rock-Tenn Company
Battle Creek Mill
177 Angell Street
Battle Creek, MI 49015-1958

St. Regis Corporation
Recycled Fiber Division
Battle Creek Paperboard Mills
177 Angell Street
Battle Creek, MI 49015-1958

Michigan Carton Company
Mill No. 2
177 Angell Street
Battle Creek, MI 49015-1958

Portage Paper Co., Inc.
2030 Portage Street
Kalamazoo, MI 49001

Georgia-Pacific Corporation
Kalamazoo Business Unit
Communication Papers Division
2030 Portage Street
Kalamazoo, MI 49001

Hawthorne Paper Company, Inc.
King Highway (P.O. Box 2858)
Kalamazoo, MI 49003

Gould Paper Corporation
King Highway (P.O. Box 2858)
Kalamazoo, MI 49003

Fort James Corporation
Paperboard Division
243 E. Patterson Street
Kalamazoo, MI 49007

Georgia-Pacific Corporation
Paper Packaging Group
243 East Patterson Street
Kalamazoo, MI 49007

James River Corporation
243 E. Patterson Street
Kalamazoo, MI 49007

Brown Company
Pulp, Paper and Board Manufacturing Division
243 E. Patterson Street
Kalamazoo, MI 49007

KVP Southerland Paper Company
243 E. Patterson Street
Kalamazoo, MI 49007

Kalamazoo Vegetable Parchment Company
Southerland Division
243 E. Patterson Street
Kalamazoo, MI 49007

Southerland Paper Company
243 E. Patterson Street
Kalamazoo, MI 49007

Minnesota Mining & Manufacturing Co.
Paper Products Division
Kalamazoo, MI 49003

Nickal Paper Company
2305 E. King Highway
Kalamazoo, MI 49001

National Gypsum Company
2305 East King Highway
Kalamazoo, MI 49001

Rex Paper Company
King Highway (P.O. Box 751)
Kalamazoo, MI

Georgia-Pacific Corporation
2425 King Highway
Kalamazoo, MI 49001

Kalamazoo Paper Company
2425 King Highway
Kalamazoo, MI 49001

Allied Paper, Inc.
2030 Portage Street
Kalamazoo, MI 49001
(King Mill, Monarch Mill, Bryant Mill)

Millennium Holdings, Inc.
Paper Mills Division
2030 Portage Street
Kalamazoo, MI 49001
(King Mill, Monarch Mill, Bryant Mill)

Crown Vantage, Inc.
Packaging Papers Group
100 Island Avenue
Parchment, MI 49004-1394

Georgia-Pacific Corporation
KVP Group
Parchment and Paper Divisions
100 Island Avenue
Parchment, MI 49004

James River Corporation
100 Island Avenue
Parchment, MI 49004

Brown Company
Specialty Papers Division
100 Island Avenue
Parchment, MI 49004

Brown Company
Paper Division
100 Island Avenue
Parchment, MI 49004

KVP Southerland Paper Company
100 Island Avenue
Parchment, MI 49004

Kalamazoo Vegetable Parchment Company
100 Island Avenue
Parchment, MI 49004

Plainwell Paper Company, Inc.
200 Allegan Street
Plainwell, MI 49080

Simpson Plainwell Paper Company
200 Allegan Street
Plainwell, MI 49080

Nicolet Paper Company
200 Allegan Street
Plainwell, MI 49080

Weyerhaeuser Company
Plainwell Division
200 Allegan Street
Plainwell, MI 49080

Hamilton Paper Company
(subsidiary, Weyerhaeuser Company)
200 Allegan Street
Plainwell, MI 49080

Michigan Paper Company of Plainwell
(subsidiary, W.C. Hamilton & Sons)
200 Allegan Street
Plainwell, MI 49080

Mead Corporation
Paperboard Products Division
431 Helen Street
Otsego, MI 49078

Rock - Tenn Company
Mill Group
431 Helen Street
Otsego, MI 49078

Menasha Corporation
Paperboard Division
320 North Farmer Street
P.O. Box 155
Otsego, MI 49078-0155

Otsego Falls Paper Mills
Division, Menasha Wooden Ware
320 North Farmer Street
P.O. Box 155
Otsego, MI 49078-0155

Hoerner-Waldorf Corporation
Mac Sim Bar Mill
431 Helen Street
Otsego, MI 49078

Mac Sim Bar
Division, Waldorf Paper Products Company
431 Helen Street
Otsego, MI 49078

Mac Sim Bar Paper Products Company
431 Helen Street
Otsego, MI 49078

Mac Sim Bar Paper Company
Division, United Biscuit Company of America
431 Helen Street
Otsego, MI 49078